



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection



**Gray Davis**  
Governor

## **Los Angeles Regional Water Quality Control Board**

### **Minutes of the September 16, 1999 Board Meeting**

Metropolitan Water District of Southern California, 700 N. Alameda St., Los Angeles

#### **INTRODUCTION**

1. The meeting was called to order by Chairman Nahai at 9: 16 a.m.

#### **Board Members Present**

Jack Coe, Fran Diamond, Michael Keston, Marilyn Lyon, H. David Nahai

#### **Board Members Absent**

None

#### **Staff Present**

Dennis Dickerson, Jorge Leon, James Kuykendall, Debbie Smith, Dennis Dasker, David Bacharowski, Wendy Phillips, Rod Nelson, Arthur Heath, Wayne Chiou, Jonathan Bishop, Robyn Goodman, Ronji Harris, Bryan Schweickert, Raymond Jay, Jack Price

#### **Others Present**

Diane Sanchez, Department of Water Resources  
George Muse, Metropolitan Water District  
Gary Lee Moore, City of Los Angeles  
Jim Langley, City of Los Angeles  
Barry Waite, City of Carson  
Rufus Young, Burke, Williams & Sorensen  
Windell Johnson, City of Torrance  
Daniel Guilley, Metropolitan Water District  
Stan Thalenberg, LA County Sanitation Districts  
Jacqy Gamble, Las Virgenes Municipal Water District  
Rafael Maestu, USC  
Eric Kirkegaara, PW Environmental  
Lorna Clare, City of Manhattan Beach  
John Kao, CNC Engineering  
Don Schroeder, Camp Dresser & McKee  
Eric Hauland, City of Manhattan Beach  
Carlos Santos, City of Glendale  
Ron Magnuson, Coltec Industries

Charles Gale, BIA  
Katherine Rubin, LA Department Water & Power  
Grant Neil, Surfrider Foundation  
Ron Green, Sempra Energy  
Ivan Tether, Smiland & Knachigian  
Richard Watson, Richard Watson & Associates  
Ray Pearl, BIA  
Gary Welling, City of Santa Monica  
Mark Gold, Heal the Bay  
Lisa Boyle, Heal the Bay  
Alex Helperin, NRDC  
Ed Schroder, Signal Hill  
Rose Collins, City of Long Beach  
Ron Wilkniss, WSPA  
Chris Bertelli, BIA  
Rick Sase', Main SG Basin Watermaster  
Brad Miller, City of Glendora  
Jane Nelson, Newhall Land Co.  
Don May, CA Earth Corps

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Charles Redden, City of Covina  
Jason Pereira, LA County Dept. Public Works  
Nasser Abbaszadeh, City of Azusa  
Ray Tahir, TC Environmental  
John Harris, Richards, Watson, et al.  
Desi Alvarez, City of Downey  
Erin Davidson, City of Cerritos  
Dean Paradise, Sikand Engineers  
Marvin Sachse, Brash Industries  
Ted Morton, American Oceans Campaign  
Joan Greenwood, FOLAR/Wrigley Association

## **Pledge of Allegiance.**

### **1. Roll Call.**

*A roll call was taken with all members present. Chairman Nahai informed the Board that Mr. Keston's term expired on September 30<sup>th</sup> and he and the other members acknowledged Mr. Keston's service to the Board for the last 8 years.*

*Ron Gastelum, General Manager, Metropolitan Water District S. CA (MWD) welcomed the Board, staff, and public members to the MWD facility and thanked us for choosing his facility to hold a public meeting for water quality purposes.*

### **2. Order of Agenda.**

*Dennis Dickerson, Executive Officer, recommended the following changes to the agenda:*

- Item 4B was added to introduce a new staff member;
- Item 9.1 – A change sheet was submitted modifying the changes;
- Item 10 – The ACL has been complied with and was not heard;
- Item 11 – A change sheet was submitted modifying the changes;
- Items 8.2 and 12.1 – These items were consolidated and heard together;
- Item 12.2 – The ACL has been complied with and was not heard; and
- Item 16 – was heard immediately after item 5.

MOTION: By Ms. Lyon, seconded by Mr. Keston, and approved on a voice vote.

### **3. Approval of Regular Minutes of July 8, 1999 and August 12, 1999.**

*A motion was made to adopt the July 8, 1999 Board Meeting minutes as written.*

MOTION: By Ms. Diamond, seconded by Mr. Coe, and approved on a voice vote.

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*A motion was made to adopt the August 12, 1999 Board Meeting minutes as written.*

MOTION: By Mr. Coe, seconded by Ms. Diamond, and approved on a voice vote.

4A. Annual Supervisory Performance Award.

*Dennis Dickerson provided introductory remarks expressing his appreciation to the recipients Dennis Dasker, Chief of the Regulatory Section; and Arthur Heath, Chief of the SG/SF Cleanup Unit. The Board presented them with their awards and thanked them for their exemplary leadership.*

4B. Introduction of New Staff Members

*Dennis Dickerson introduced two new staff members, Jeffrey Hu, Site Cleanup Unit; and Robert Tom, Nonpoint Source Unit.*

5. Board Member Ex Parte Communication Disclosure.

*There were no disclosures given by the Board Members.*

16. Report of Cost Benefit Task Committee.

*Mike Keston gave a final status report summarizing the efforts of the committee to date. He recommended the Board establish a new task committee to continue the cost-benefit efforts. Chairman Nahai appointed Ms. Lyon as Chairperson of the Cost-Benefit Task Committee.*

6. Uncontested Items Calendar.

*There was a motion to adopt the consent calendar as items 8.1, 8.3 – 8.5, 9.1 – 9.3, 11.*

MOTION: By Mr. Keston, seconded by Ms. Lyon, and approved on a voice vote.

**CONSENT CALENDAR**

**NPDES**

New

8.1 Coltec Industries, Inc., Burbank, CA0064319

Rescission

8.3 Los Angeles County Department of Public Works (Alamitos Barrier Project),  
Long Beach, CA0063371

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- 8.4 Jayeast Partnership (Central Plaza), Cerritos, CA0061336
- 8.5 Pennzoil-Quaker State Co., Rancho Dominguez, CA0059480

### **NON-NPDES**

#### **New**

- 9.1 City of Los Angeles Department of Water and Power (Headworks Well Replacement and Development Project), Los Angeles, 99-112

#### **Revision**

- 9.2 Penn Camarillo Realty Corporation (G&H Technology, Inc.), Camarillo, 96-002
- 9.3 Ventura Regional Sanitation District (Piru Wastewater Treatment Plant), Piru, 89-044
- 11. Consideration of a Resolution Authorizing the Executive Officer to Approve a Settlement Agreement and a Supplemental Environmental Project (SEP) to be funded by the Los Angeles County Metropolitan Transit Authority (MTA).

### **PUBLIC FORUM**

#### **7. Public Forum.**

*The following persons submitted speaker cards and gave presentations to the Board:*

- 1. *Jim Langley, City of Los Angeles, informed the Board of the changes agreed upon by Dennis Dickerson regarding the upcoming Y2K Conference. He stated that due to a lack of attendee response for the conference, the location of the conference is now at the Tillman Treatment Facility.*
- 2. *Steve Fleischli, Santa Monica BayKeeper, reminded the Board of the upcoming Coastal Cleanup Day.*

### **ENFORCEMENT ISSUES**

#### **Los Angeles Refining Company (formerly Texaco Refining and Marketing, Inc.).**

- Item 8.2: Consideration of NPDES Permit Requirements (Renewal)
- Item 12: Consideration of CDO No. 99-013

*The Executive Assistant read the opening statement and the Chairman gave the oath to those testifying before the Board.*

*Executive Officer Dennis Dickerson gave opening remarks, which outlined the issues relating to both the permit for renewal (item 8.2) and the Cease and Desist Order (item 12). He*

*ensured the Board that the permit and CDO will result in improved water quality and more stringent standards, specifically for refinery discharge.*

*Dennis Dasker, Chief, Watershed Regulatory Section, gave a staff presentation outlining the technical aspects of the permit. He indicated that a change sheet was submitted with the permit and asked the Board to adopt the permit as modified by the change sheet. The following changes were made to the permit:*

*Finding No. 7: Clarification of the uses of Ponds 8 and 9;*

*Finding No. 8: Added explanation regarding the flow of the LCOD and stormwater; modification for chromium limitations; and*

*General: added footnotes relating to limitations.*

*Hugh Marley, Chief, Enforcement & Special Projects Unit, gave a staff presentation outlining the aspects of the tentative Cease and Desist Order (CDO). He indicated that the CDO will allow a transitional period from the current NPDES permit and the tentative new permit; and ensure the discharger is in compliance by completely eliminating discharge of effluent from the site into Dominguez Estuary by September 30 2001. He asked the Board to adopt the CDO, including a change sheet which removes the poly aromatic hydrocarbons (PAHs) limitations. .*

*Karma Thompson, Representative for Los Angeles Refining Company gave a presentation to the Board ensuring them that the refinery is committed to completing the 2-year project which would allow them to transfer discharge of all industrial wastewater to the Sanitation District. She expressed her concern that the refinery may not be able to comply with the new permit limits set for PAHs, and asked that they be reincluded into the CDO.*

*The following persons testified before the Board:*

*Philip Shakhnis, Santa Monica BayKeeper*

*Mitzy Taggart, Heal the Bay*

*Steve Fleischli, Santa Monica BayKeeper*

*James Dragna, McCutchen & Doyle*

*Jorge Leon responded to questions regarding whether the Board has authority to insert a provision in the permit that would prohibit discharges to the Dominguez Channel in two years.*

*The Chairman closed the public hearing. After discussion of the Board, a motion was made to adopt both the permit and CDO as recommended by staff, and modify the change sheet of the CDO as follows:*

*Page 1, Paragraph 1: delete words "may or".*

*Page 1, Line 4: replace word "waste" with "non-commingled storm water";*

*Last page, Last paragraph: add after the word "treated"... "except for non-commingled storm water stored in ponds 008 and 009;*

*General: Incorporate reopener language.*

MOTION: By Mr. Coe, seconded by Ms. Lyon and approved on a voice vote.

The Board recessed for a closed lunch session at 12:30 p.m. The Board reconvened at 1:45.

13. Consideration of Petition for Review of Cleanup and Abatement Order (CAO) No. 99-015, issued by the Executive Officer pursuant to his Delegated Authority, Requiring Spartan Lacquer and Paint Co. to Cleanup and Abate Conditions of Pollution at 9255 E. Imperial Highway, Downey.

*The Executive Assistant read the opening statement and the Chairman gave the oath to those testifying before the Board.*

*John Geroch, Site Cleanup Unit, gave a staff presentation and entered the complete case file into the record. He provided background information and stated that staff had requested the discharger to conduct an inspection of the site to determine if their chemical use and storage practices were contributing to the contamination previously located in the adjacent area of the facility. The discharger submitted a workplan outlining a plan for investigation, but did not implement the plan.*

*The Executive Officer issued a CAO requiring Spartan to complete the required investigation for known and potential sources of soil and groundwater contamination. After issuance of the CAO, Spartan submitted a report containing results of a limited investigation, without oversight from staff. It is staff's position that the investigation conducted does not provide the necessary information required by the Regional Board, and Spartan filed a petition with the State Board requesting a review of the CAO.*

*Mr. Geroch asked the Board to affirm the CAO and direct Spartan to complete the required soil and groundwater investigation and submit a report containing the results of the investigation by October 31, 1999.*

*Albert Cohen, Legal Counsel, Spartan Lacquer and Paint Co., gave a presentation to the Board indicating that the CAO would require Spartan to spend in excess of \$100,000 to investigate the site, even though there is no sampling evidence to indicate that there has ever been a discharge or threat to water quality. He submitted information he feels proves that no significant release of any waste has occurred at the site or beneath the site. He asked the Board to rescind the CAO due to the lack of evidence provided by staff.*

*After discussion of the Board, a motion was made to continue this matter until further information can be gathered and presented to the Board, and extend the date of the CAO until this matter has been brought for Board consideration.*

MOTION: By Mr. Keston, seconded by Ms. Lyon, and approved on a voice vote. Ms. Diamond opposed.

**INFORMATION ITEMS**

14. Report on Executive Officer's Intent to Approve the Standard Urban Storm Water Mitigation Plans (SUSMPs) Submitted for Approval Under the Los Angeles County Municipal Storm Water Permit, Order No. 96-054.

*Dennis Dickerson provided opening remarks outlining the events from the 1996 Municipal Storm Water Permit until present. He indicated that portions of the requirements included implementing features to reduce storm water urban runoff; and the SUSMPs is one key element of the provisions outlined in the countywide permit. He indicated that additional time may be necessary to further develop the basis on which the American standards should be justified regarding this matter. This would mean that he would move forward with approving the consensus submittal made by the permittees while reserving the opportunity to further modify the SUSMPs with respect to the American standard at a later date.*

*Dr. Xavier Swamikannu, L.A. Coastal Unit, gave a staff presentation outlining the SUSMP definition, purpose and applicable categories for which the SUSMPs would apply. He indicated that the SUSMPs will require permittees to control runoff by setting a three-quarters of an inch of rainfall criteria modeling program. Staff is recommending the incorporation of this numerical limit to retain and/or treat .75" of stormwater during a 24-hour storm event for the seven categories of new developments. He also summarized the many public comment letters received from municipalities, developers, environmental groups, and other interested parties.*

*Jorge Leon gave a presentation addressing the legal aspects of the SUSMP, and responded to the public comments regarding Regional Board authority to propose numerical limits.*

*The following persons gave presentations to the Board regarding this matter:*

*Richard Watson, Member, Building Industry Association of S CA (BIA)  
Rose Collins, City of Long Beach  
Rufus Young, Burke, Williams and Sorenson  
Terri Grant, Vice Chair, Executive Advisory Committee  
Nasser Abbaszadeh, City of Azusa  
Scott Pomrehn, City of Lakewood & Chairman of San Gabriel Valley River Watershed  
Stan Thalenberg, Los Angeles County Sanitation District  
Jay Michael Huls, City of Diamond Bar  
Dee Hardison, Mayor, City of Torrance  
Ron Wilkniss, Western States Petroleum Association  
Rick Sase', Main San Gabriel Water Master  
Gary Lee Moore, City of Los Angeles*



*Marvin Sasche, P.E., S CA Automotive Recyclers and Baker Automotive  
Ray Pearl, Government Affairs, Los Angeles-Ventura BIA  
John Hunter, Los Angeles River Management Committee  
Ray Tahir, TECs Environmental  
Charles Gale, BIA  
David Beckman, NRDC  
Alex Helperin, NRDC  
Steve Fleischli, Santa Monica BayKeeper  
Mark Owen, Heal the Bay  
Don May, California Earth Corporation  
Joan Greenwood, Friends of the Los Angeles River/Wrigley Association  
Mr. Chris Bertelli, BIA  
Barbara Close, Woodward & Clyde*

*Dennis Dickerson provided closing remarks restating that he would be more than willing to meet with groups of interested parties for the purpose of providing further discussions regarding this matter, prior to finalizing his proposal. He recommended bringing this matter back to the Board for discussion at the end of the year, and schedule a special Board Meeting to revisit this issue.*

15. Discussion of Regional Board 1999/00 Priorities.

*This item was continued until the next regular Board Meeting.*

17. Board Member Communications.

*There were no items discussed during this item.*

18. Executive Officer's Report.

*There was no report given during this item.*

**CLOSED SESSION**

19. Closed Session

*The Board held a Closed Lunch Session during the lunch recess to discuss litigation matters. The Board reconvened at 1:45 p.m.*

**ADJOURNMENT**

20. Adjournment of Current Meeting. The meeting adjourned at 4:15 p.m. until the next regularly scheduled meeting on October 28, 1999.





Addressee

- 5 -

Date

Minutes adopted at the \_\_\_\_\_ Regular Board Meeting as submitted/amended.

Written and submitted by: \_\_\_\_\_

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